



AP/1763

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

CHRISTOPHER L. SCHUTTE ET AL.

Serial No. 10/802,951 (TI-34807.1)

Filed March 16, 2004

For: SEMICONDUCTOR WAFER HANDLER

Art Unit 1763

Examiner Sylvia Macarthur

Customer No. 23494

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Jay M. Cantor, Reg. No. 19,906

Sir:

**BRIEF ON APPEAL**

**REAL PARTY IN INTEREST**

The real party in interest is Texas Instruments Incorporated, a Delaware corporation with offices at 7839 Churchill Way, Dallas, Texas 75251.

**RELATED APPEALS AND INTERFERENCES**

There are no known related appeals and/or interferences.

### **STATUS OF CLAIMS**

This is an appeal of claims 12 and 14 to 20, all of the rejected claims. Claims 1 to 11 and 13 have been canceled and the subject matter of claims 1 to 11 is now Patent No. 6,729,947. Please charge any costs to Deposit Account No. 20-0668.

### **STATUS OF AMENDMENTS**

An amendment was not filed after a second or subsequent rejection.

### **SUMMARY OF CLAIMED SUBJECT MATTER**

The claimed invention relates to a diverter valve which includes a housing (160 of Figs. 4(a) and 4(b)) with a central aperture (unnumbered interior space) having an internal top surface (top of interior space) and an internal bottom surface (bottom of interior space). A valve ring (120) is contained in the housing, and is movable between the internal bottom surface and the internal top surface. A first channel (140) is disposed in the housing extending between the central aperture and the exterior of the housing and a second channel (150) exclusive of the first channel is disposed in the housing extending between the central aperture and the exterior of the housing. The valve ring, when disposed at the internal bottom surface, blocks communication between the first and second channels and, when disposed at the top surface, permits communication between the first and second channels. The valve ring can contain an aperture extending therethrough (unnumbered but with downward arrow extending therethrough). The valve ring is movable toward the internal bottom surface responsive to the application of a vacuum in the second channel. The valve ring is movable toward said internal top surface responsive to the application of a fluid against the valve ring and in a direction through the first and second channels toward the exterior of the housing. The valve ring is movable toward the internal bottom surface responsive to the application of a vacuum in the second channel and movable toward the internal top surface responsive to the application of a fluid against the valve ring and in a direction through the first and second channels toward the exterior of the housing in the absence of the vacuum..

## **GROUNDS OF REJECTION**

Claims 12 and 14 to 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Karg (U.S. 5,957,149).

## **ARGUMENT**

Claim 12 was rejected under 35 U.S.C. 102(b) as being anticipated by Karg (U.S. 5,957,149). The rejection is without merit.

It is axiomatic that in order for a rejection under section 102 to be proper, each and every feature of a claim must be found in a single reference. Clearly, that is not the case herein.

Claim 12 requires, among other features, a first channel in the housing extending between the central aperture and the exterior of the housing and a second channel exclusive of the first channel in the housing extending between the central aperture and the exterior of the housing. No such structure is taught or even remotely suggested by Karg.

Karg contain two channels A first channel includes ports 16 and 17 when the valve 20 is in the elevated or upper position and a second channel includes ports 16 and 18 when the valve 20 is in the lower position. It is clear that the port 16 is part of both the first and second channels. It follows that the above discussed terms of claim 12 are not found in Karg.

Claim 12 further requires that the valve ring, when disposed at the internal bottom surface, block communication between the first and second channels and, when disposed at the surface, permit communication between the first and second channels. No such structure is taught or even remotely suggested by Karg.

It follows that, not only is the purpose of the converter valve of Karg entirely different from that of the subject invention, but the structure is also entirely different. The only similarity is in the title.

Claims 14 to 20 depend from claim 12 and therefore define patentably over Karg for at least the reasons set forth above with reference to claim 12.

In addition, claim 14 further limits claim 12 by requiring that the valve ring contain an aperture extending therethrough. No such structure is taught or even remotely suggested by Karg either alone or in the combination as claimed.

Claims 15 and 16 further limit claims 12 and 14 by requiring that the valve ring be movable toward the internal bottom surface responsive to the application of a vacuum in the second channel. No such structure is taught or even remotely suggested by Karg either alone or in the combination as claimed.

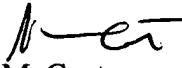
Claims 17 and 18 further limit claims 12 and 14 by requiring that the valve ring be movable toward the internal top surface responsive to the application of a fluid against the valve ring and in a direction through the first and second channels toward the exterior of the housing. No such structure is taught or even remotely suggested by Karg either alone or in the combination as claimed.

Claims 19 and 20 further limit claims 12 and 14 by requiring that the valve ring be movable toward the internal bottom surface responsive to the application of a vacuum in the second channel and movable toward the internal top surface responsive to the application of a fluid against the valve ring and in a direction through the first and second channels toward the exterior of the housing in the absence of the vacuum. No such structure is taught or even remotely suggested by Karg either alone or in the combination as claimed.

## CONCLUSIONS

For the reasons stated above, reversal of the final rejection and allowance of the claims on appeal is requested that justice be done in the premises.

Respectfully submitted,



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## CLAIMS APPENDIX

The claims on appeal read as follows:

**12 A diverter valve, comprising:**

a housing with a central aperture having an internal top surface and an internal bottom surface;

a valve ring contained in said housing, said valve ring movable between the internal bottom surface and the internal top surface;

a first channel in said housing extending between said central aperture and the exterior of said housing; and

a second channel exclusive of said first channel in said housing extending between said central aperture and the exterior of said housing;

said valve ring, when disposed at said internal bottom surface, blocking communication between said first and second channels and, when disposed at said top surface, permitting communication between said first and second channels.

**14. The diverter valve of claim 12 wherein said valve ring contains an aperture extending therethrough.**

**15. The diverter valve of claim 12, said valve ring movable toward said internal bottom surface responsive to the application of a vacuum in said second channel.**

**16. The diverter valve of claim 14, said valve ring movable toward said internal bottom surface responsive to the application of a vacuum in said second channel.**

17. The diverter valve of claim 12, said valve ring movable toward said internal top surface responsive to the application of a fluid against said valve ring and in a direction through said first and second channels toward the exterior of said housing.

18. The diverter valve of claim 13, said valve ring movable toward said internal top surface responsive to the application of a fluid against said valve ring and in a direction through said first and second channels toward the exterior of said housing.

19. The diverter valve of claim 12, said valve ring movable toward said internal bottom surface responsive to the application of a vacuum in said second channel and movable toward said internal top surface responsive to the application of a fluid against said valve ring and in a direction through said first and second channels toward the exterior of said housing in the absence of said vacuum..

20. The diverter valve of claim 14, said valve ring movable toward said internal bottom surface responsive to the application of a vacuum in said second channel and movable toward said internal top surface responsive to the application of a fluid against said valve ring and in a direction through said first and second channels toward the exterior of said housing in the absence of said vacuum..

**EVIDENCE APPENDIX**

Not applicable

**RELATED PROCEEDINGS APPENDIX**

Not applicable